

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION

CASE: **Boozer et. al. v. Sun Loan Co. Inc.**

APPLICATION FOR ATTORNEY'S FEE

COMES NOW the undersigned attorney, John C. Larsen, and hereby moves the Court to enter an order granting attorney's fees. In support of his motion counsel states as follows:

1. Due to violations of the Automatic Stay by Sun Loan Company Alabama, Inc., multiple Adversary Proceedings were filed.
2. A settlement was reached in which Sun Loan Company Alabama, Inc. shall pay a total of \$390,000 to settle any and all claims arising from these adversary proceeding's.
3. The joint motion to approve compromise and settlement was filed on July 30, 2018 and was heard on August 22, 2018 with proceeds to be distributed pending further order from the Court.
4. Pursuant to §362(k)(1): An individual injured by any willful violation of a stay provided by this section **shall** recover actual damages, including costs and attorney's fees, and, in appropriate circumstances, may recover punitive damages. See Parker v. Credit Central South, Inc. In Parker, the court found: 1) The plain language of §362(k) provides for a mandatory award for the recovery of attorney's fees for willful violations of the automatic stay without limitation to a return to the status quo; 2) It is well established in reported case law in this District that an award of attorney's fees for violation of the automatic stay include fees necessary to prosecute the adversary proceeding; 3) Nothing in the history of §362 suggests that awards of attorney's fees for a violation of the automatic stay are limited to that which is necessary to reinstate the status quo.
5. No agreement exists between the Attorney and any other person or entity whatsoever for the sharing of compensation in this case.

WHEREFORE, THE FOREGOING PREMISES CONSIDERED, the undersigned attorney makes application for an attorney's fee to be paid from the proceeds of the Sun Loan litigation settlement.

Respectfully Submitted,

/s/ John C. Larsen
Attorney for Debtor

Respectfully submitted this the 28th day of August, 2018.

/s/ John C. Larsen

John C. Larsen

Counsel for Debtor/Plaintiff

Of Counsel:

LARSEN LAW, PC
1733 Winchester Road
Huntsville, Alabama 35811
(256) 859-3008
john@jlarsenlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on this the 28th day of August, 2018, I served a copy of the foregoing pleading on the parties listed below through electronically filing the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record, and/or by mailing same by United States mail, properly addressed, and first-class postage prepaid:

Michele T. Hatcher
CHAPTER 13 TRUSTEE
P.O. Box 2388
Decatur, AL 35602
ecf@ch13decatur.com

Richard M. Blythe
ASSISTANT U.S. BANKRUPTCY
ADMINISTRATOR
NORTHERN DISTRICT OF ALABAMA
Seybourn H. Lynne Federal Building
PO Box 3045
400 Wells Street NE, Room 236
Decatur, AL 35602

Thomas B. Humphries
Stephen B. Porterfield
Barry A. Ragsdale
SIROTE & PERMUTT PC
Counsel for Defendant Sun Loan
2311 Highland Avenue South, Suite 500
Birmingham, AL 35205
thumphries@sirote.com;
sporterfield@sirote.com;
bragsdale@sirote.com

Martha Boozer
2865 Co Rd. 48
Section, AL 35771
(Plaintiff)

Julie Brown
760 County Rd. 803
Cullman, AL 35057
(Plaintiff)

Maggie Burgess
307 Mark Street SW
Decatur, AL 35601
(Plaintiff)

Timothy Carroll
135 County Road 663
Henagar, AL 35978
(Plaintiff)

Joyce Chatman
2507 Roland Road Apt. B
Huntsville, AL 35805
(Plaintiff)

Lisa Coleman
29909 Brentshire Drive
Harvest, AL 35749
(Plaintiff)

David Crynes
764 Rolan Gooch Road
Toney, AL 35773
(Plaintiff)

Kayla Crynes
764 Rolan Gooch Road
Toney, AL 35773
(Plaintiff)

Freddie Dempsey
P.O Box 94
Tanner, AL 35671
(Plaintiff)

Sandra Dempsey
P.O Box 94
Tanner, AL 35671
(Plaintiff)

Carl Eakes
3510 8th Ave. SW
Huntsville, AL 35805
(Plaintiff)

Teleshay Hall
4610 Broad Meadow Court
Huntsville, AL 35810
(Plaintiff)

Michael Hambrick
1424 Pratt Ave.
Huntsville, AL 35801
(Plaintiff)

Carolyn Henry
3722 Valleydale Rd NW
Huntsville, AL 35810
(Movant)

Peggy Jenkins
363 College Rd.
Dutton, AL 35744
(Movant)

Glen King
4212 Bishop Circle NW
Huntsville, AL 35810
(Plaintiff)

The Estate of Thomas Lawson, deceased
c/o William W. Tally, Esq.
TALLY & TALLY
Attorney for the Estate
129 E Laurel St.
Scottsboro, AL 35768
(Plaintiff)

Columbus McGlathery
1705 Jeanette Circle
Huntsville, AL 35816
(Plaintiff)

Tawanna Millsaps
1403 Brookline Avenue SW #5
Decatur, AL 35603
(Plaintiff)

Larry Rice
141 Bridge Crest Dr.
Harvest, AL 35749
(Movant)

Diana Russell
109 Dover Street
Athens, AL 35611
(Plaintiff)

Michael Snodgrass, Jr.
112 Happiness Dr.
Scottsboro, AL 35768
(Movant)

Shawn Stapler
116 Candice Dr.
Toney, AL 35773
(Plaintiff)

Theresa Sylvestre
113 Sophia Drive
Toney, AL 35773
(Plaintiff)

Elizabeth Walker
5030 Maysville Road
New Market, AL 35761
(Plaintiff)

Columbus Wesley, Jr.
102 Clear Springs Circle
Hazel Green, AL 35750
(Plaintiff)

Lois Wesley
102 Clear Springs Circle
Hazel Green, AL 35750
(Plaintiff)

Dexter L. Williams
3914 Battlefield Dr.
Huntsville, AL 35810
(Movant)

Donna Williams
117 Compass Hill Cir.
Toney, AL 35773
(Plaintiff)

Eric Williams
503 Sanders Street
Athens, AL 35611
(Plaintiff)

**Marth Boozer et al.
Attorney Fees and Expenses**

For the purposes of this application only the following Debtors are listed per the group's listed below:

Group 1: Martha Boozer AP: 17-80045, Elizabeth Walker AP: 17-80046, Tawanna Millsaps AP: 17-80047 Lois Wesley AP: 17-80048, Columbus Wesley AP: 17-80049

Group 2: Carolyn Henry BK: 14-83304, Larry Rice BK: 15-82158, Peggy Jenkins BK: 15-82941, Maggie Burgess BK: 17-81950, Shawn Stapler AP: 17-80056, Glen King AP: 17-80057, Michael Hambrick AP: 17-80061, Julie Brown AP: 17-80066, Eric Williams AP: 17-80067, Columbus McGlathery AP: 17-80068, Freddie Dempsey AP: 17-80069, Sandra Dempsey AP: 17-80070, Carl Eakes AP: 17-80071, Joyce Chatman AP: 17-80072, Dexter Williams BK: 17-82786

Group 3: Lisa Coleman AP: 17-80093, Timothy Carroll AP: 17-80094, Diana Russell AP: 17-80095, David Crynes AP: 17-80096, Kayla Crynes AP: 17-80097, Teleshay Hall AP: 17-80098, Theresa Sylvestre AP: 17-80099, Michael Snodgrass BK 15-83101, Thomas Lawson AP: 17-80100, Donna Williams AP: 17-80073

Task/Expense	Date	Hours	Rate
<u>GROUP 1</u>			
Collection of client info (letters and Affidavits), client interview, review of Affidavits etc.	April – May, 2017	17.50	\$350/Hour
Preparation and filing of complaint	May, 2017	15.00	\$350/Hour
Preparation or Discovery, service to Counsel	June, 2017	15.00	\$350/Hour

Contact & Meeting with clients to sign Employment contracts	June, 2017	7.5 Atty Hours 10 Paralegal Hours	\$350/Hour \$125/Hour
Contact & Meeting with clients to Collect and review medical records	February, 2018	10.0 Atty Hours 7 Paralegal Hours	\$350/Hour \$125/Hour
Meeting with clients to gather info For response to Defendant Discovery Preparation of Responses, service to Counsel	February, 2018	25 Atty Hours 10 Paralegal Hours	\$350/Hour \$125/ Hour

GROUP 2

Collection of client info (letters and Affidavits), client interview, review of Affidavits etc.	June – July, 2017	52.5 Atty Hours	\$350/Hour
Preparation and filing of complaint	June – July, 2017	45 Atty Hours	\$350/Hour
Preparation or Discovery, service to Counsel	July, 2017	45 Atty Hours	\$350/Hour
Contact & Meeting with clients to sign Employment contracts	July, 2017	22.5 Atty Hours 30 Paralegal Hours	\$350/Hour \$125/Hour
Contact & Meeting with clients to Collect and review medical records	February, 2018	50 Atty Hours 35 Paralegal Hours	\$350/Hour \$125/ Hour
Meeting with clients to gather info For response to Defendant Discovery, Preparation of Responses, service to Counsel	February, 2018	75 Atty Hours 30 Paralegal Hours	\$350/Hour \$125/Hour

GROUP 3

Collection of client info (letters and Affidavits), client interview, review of Affidavits etc.	November, 2017	35.0 Atty Hours	\$350/Hour
Preparation and filing of complaint	November, 2017	30.0 Atty Hours	\$350/Hour

Contact & Meeting with clients to sign Employment contracts	November, 2017	15.0 Atty Hours 20 Paralegal Hours	\$350/Hour \$125/Hour
Contact & Meeting with clients to Collect and review medical records	February, 2018	20.00 Atty Hours 27 Paralegal Hours	\$350/Hour \$125/ Hour
Meeting with clients to gather info For response to Defendant Discovery, Preparation of Responses, service to Counsel	February, 2018	50.0 Atty Hours 20 Paralegal Hours	\$350/Hour \$125/Hour

Hearings & General Motions

For all cases

Status Conference, Travel to Decatur	6/5/2017	1.5 Atty Hours	\$350/Hour
Status Conference, Travel to Decatur	7/10/2017	1.5 Atty Hours	\$350/Hour
Review of Sun Loan answer	7/10/2017	1.75 Atty Hours	\$350/Hour
Review of Sun Loan Motion to Compel	7/20/2018	1.00 Atty Hours	\$350/Hour
Review of Sun Loan Response's To Discovery, Group 1	7/28-8/3, 2017	7.5 Atty Hours	\$350/Hour
Status Conference, Travel to Decatur	8/7/2017	1.5 Atty Hours	\$350/Hour
Drafting & Filing of Motion to Compel	8/14/2017	1.0 Atty Hours	\$350/Hour
Drafting & Filing of Deposition Notices	8/15/2017	2.0 Atty Hours 2.0 Paralegal Hours	\$350/Hour \$125/Hour
Review of Sun Loan Motion for Status	8/17/2017	1.50 Atty Hours	\$350/Hour
Review of Sun Loan Motion to Compel	8/14/2017	2.00 Atty Hours	\$350/Hour

Review of Court Audio(s)	8/21/2017	3.00 Atty Hours	\$350/Hour
Status Conference, Travel to Decatur	8/21/2017	1.50 Atty Hours	\$350/Hour
Preparation of Class Action, Consolidation, Motion to Intervene, Amended Complaint Meeting with Kevin Heard	9/20/2017	15.0 Atty Hours	\$350/Hour
		2.0 Paralegal Hours	\$125/Hour
Preparation and filing of Brief on Damages	9/21/2017	15.0 Atty Hours	\$350/Hour
Review of Sun Loan Brief on Damages	9/21/2017	2.00 Atty Hours	\$350/Hour
Preparation and filing of Motion To amend complaint	10/17/2017	1.00 Atty Hours	\$350/Hour
Status Conference, Travel to Decatur	10/19/2017	1.50 Atty Hours	\$350/Hour
Review of 3 Sun Loan Response's	10/26/2017	4.0 Atty Hours	\$350/Hour
Class Action Hearing, Travel to Decatur	10/30/2017	1.50 Atty Hours	\$350/Hour
Review of Motion to Amend/Alter	11/20/2017	1.50 Atty Hours	\$350/Hour
Review of Extend Time Briefing	11/27/2017	1.50 Atty Hours	\$350/Hour
Review of Corporate Parent Disclosure Statement	12/11/2017	1.25 Atty Hours	\$350/Hour
Preparation and Filing of Brief on Class certification	12/15/2017	20.0 Atty Hours	\$350/Hour
Review of Sun Loan Brief on Class Certification	12/15/2017	2.00 Atty Hours	\$350/Hour
Review of Sun Loan Discovery	2/14/2018	23.00 Atty Hours	\$350/Hour

Review of Motion to Compel by Sun Loan	2/26/2018	1.00 Atty Hours	\$350/Hour
Preparation and Filing of Motion To Compel	2/28/2018	3.00 Atty Hours	\$350/Hour
Review of Sun Loan Response to Motion to Compel and Protective Order	2/26/2018	1.25 Atty Hours	\$350/Hour
Notice of Response to Sun Loan Discovery filed with Court	3/2/2018	1.00 Atty Hours	\$350/Hour
Review of Response to Motion To Compel	3/2/2018	.50 Atty Hours	\$350/Hour
Motion to Compel Hearing	3/5/2018	1.50 Atty Hours	\$350/Hour
Preparation and Filing of Motion To Renew	3/26/2018	1.25 Atty Hours	\$350/Hour
Meeting with Kevin Heard, Review of Application to Employ, Review of Client Files	3/29/2018	4.00 Atty Hours	\$350/Hour
App to Employ Hearing, Travel To Decatur	4/9/2018	1.50 Atty Hours	\$350/Hour
Meeting with Lawson Family, Review And Signing of Affidavit's	4/20/2018	4.25 Atty Hours 1.5 Paralegal Hours	\$350/Hour \$125/Hour
Meeting with Kevin Heard, Review of Demand, Letters, Mediation Prep	4/20/2018	20.00 Atty Hours	\$350/Hour
Telephone conference with Bill Talley RE: opening of an estate.	4/23/2018	1.75 Atty Hours \$700 Expense to Open Estate	\$350/Hour
Review of Client Medical Records	5/17/2018	27.00 Atty Hours	\$350/Hour
Client calls and Preparation for Mediation	5/21 – 5/23, 2018	45 Atty Hours 30 Paralegal Hours	\$350/Hour \$125/Hour

Mediation, Travel to Birmingham	5/24/2018	12 Atty Hours \$1250 Expense to Mediator	\$350/Hour
9019 Preparation and Court Appearance, Client Meetings to Sign Releases and Discuss Case Settlement, Amended to Schedules For each client	7/30 - TBD	55 Atty Hours 29 Paralegal Hours	\$350/Hour \$125/Hour
<hr/>			
TOTALS			
Attorney Fees		825.0 Hrs at \$350/Hr	\$288,750.00
Paralegal Fees		253.5 Hr at \$125/Hr	\$31,687.50
		Total Fees=	\$320,437.50
		Reduced to =	\$254,470.00
Expenses		Total Expenses=	\$1,950.00
